

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 18 has been amended to correct an inadvertent error wherein it is dependent from itself. Claim 18 now depends from claim 16, just like claim 17.

Claim 21 has been cancelled without prejudice in view of the informality noted by the Office.

New claim 25 has been added. Claim 25 includes limitations of claim 1 and also recites from 20 to 28 wt. % protein, as disclosed in the first paragraph of page 7.

The desirability of weight loss for both children and adults is espoused in the press on a daily basis. One approach to weight loss involves minimization of carbohydrates. Unfortunately, consumers want products which pose less of a risk of weight gain, but which have good organoleptic properties similar to the products to which they are accustomed.

The present invention is directed to the discovery of a nut spread, particularly a peanut spread, which has fewer carbohydrates on an adjusted basis than typical spreads, yet retains the desirable mouthfeel properties of full carbohydrate peanut spreads. In particular, the spread is creamy notwithstanding the decrease in carbohydrates.

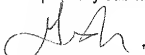
Claim 1 has been amended to recite that the nut spread includes from 40 to 80% nuts as supported in the last paragraph on page 4 of the specification.

Netritron.com appears to bear a date some time in 2003. Even if it constitutes prior art against the present application, the Office points to no teaching of from 40 to 80% nuts in its spread. Likewise, the Office points to no teaching by Netritron.com of a spread having from 20 to 28 wt. % protein, as recited in new claim 25. Therefore, it is respectfully requested that the Section 102 rejection be withdrawn.

With respect to the Section 103 rejection, Wong et al., U.S. Patent No. 6,623,783 is directed to spreads having relatively high levels of sugar (see abstract). In contrast, the Netritron.com spread is sugar-free. It is not apparent why one of ordinary in the art, absent hindsight gained from the present disclosure, would take features from a high sugar nut spread to modify Netritron.com's spread. Therefore, it is respectfully requested that the Section 103 rejection be withdrawn.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



Gerard J. McGowan, Jr.
Registration No. 29,412
Attorney for Applicant(s)

GJM/pod
(201) 894-2297